

1 BILL NO. G-85-04-49 (as amended) (as amended)

2 GENERAL ORDINANCE NO. G-

10-85

3 AN ORDINANCE amending the Municipal
4 Code of the City of Fort Wayne, Indiana,
5 dealing with Cable Communication Systems
6 (as amended).

7 WHEREAS, the Cable Communication Systems Ordinance,
8 Chapter 7.5 of the Municipal Code of the City of Fort Wayne,
9 Indiana, needs to be amended as to the charging of franchise fees
10 and the depositing of same; and

11 WHEREAS, the role of the Cable Television Program Ad-
12 visory Council needs to be more clearly defined.

13 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
14 THE CITY OF FORT WAYNE, INDIANA, AS FOLLOWS:

15 SECTION 1: Section 7.5-8 entitled "Rates and Franchise
16 Payments" is deleted and replaced with the following language,
17 to-wit:

18 (a) In consideration of the granting and exercise of a
19 franchise to use the streets, as herein defined, for the
20 operation of the Cable Communication Systems, any fran-
21 chisee shall pay to the City, during the life of the
22 franchise, the following: Three Per Cent of the fran-
23 chisee's gross annual subscriber receipts or Three Per
24 Cent of the franchisee's gross annual receipts, which-
25 ever shall be greater; effective April 1, 1985, such
26 fees shall be Four Per Cent instead of Three Per Cent;
27 and effective July 1, 1986, such fees shall be Five Per
28 Cent. Notwithstanding anything herein to the contrary,
29 such fees shall not exceed the maximum percentage as
30 allowed by federal law and/or any and all rules and re-
31 gulations thereof. All fees collected and paid under
this ordinance shall be divided between the Cable Tele-

Dedicated

General Fund of the City of Fort Wayne, Indiana, with Sixty Per Cent being placed in the General Fund of the City and Forty Per Cent allocated to the Dedicated Cable Television Fund. Any and all monies on deposit in the Cable Television Fund so dedicated and on hand prior to the effective date of this Ordinance shall revert to the General Fund of the City of Fort Wayne, subject to the payment of any and all outstanding invoices for which previously approved appropriations exist. For purposes hereof, the term "Dedicated ~~Cable~~ CABLE Television Fund" shall replace "Special Revolving Fund."

(b) The percentage payment (franchise fees) shall be made in the manners and in amounts and at the times as directed in said franchise or in this ordinance, or in a Council Resolution fixing franchise fees and adopting rules for service and regulations thereof. Forty Per Cent of such fees allocated to the Dedicated Cable Television Fund shall be payable to the City Controller and deposited into a Dedicated Cable Television Fund to be used for cable system related expenses. Sixty Per Cent of such fees, as aforescribed, shall be payable to the City Controller and deposited in the City's General Fund. ~~Notwithstanding anything herein to the contrary, expenditures of all monies shall be pursuant to and subject to all appropriation laws as they exist in the State of Indiana, from time to time.~~

(c) (This language remains unchanged.)

(d) (This language remains unchanged.)

(e) (This language remains unchanged.)

(f) (This language remains unchanged.)

(g) (This language remains unchanged.)

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(h) (This language remains unchanged.)

(i) (This language remains unchanged.)

(j) (This language remains unchanged.)

(k) All fees paid hereunder by the franchisees shall be payable to the City Controller on a quarterly basis or as otherwise provided for in this ordinance, and same shall be deposited in the General Fund or the Dedicated Cable Television Fund as herein provided.

(l) The Controller shall provide a written report of the revenues, disbursements, and accrued interest of the Dedicated Cable Television Fund to the President of the Cable Television Program Advisory Council or to any member of the Common Council, upon request.

SECTION 2: Section 7.5-12 of the Municipal Code of the City of Fort Wayne is amended by adding thereto the following subsections:

(b)(6) To recommend to the ^{Common Council} Mayor, ^{in writing} by ~~resolution~~, all proposals for expenditures from the Dedicated Cable Television Fund. Said ^{written recommendations} ~~resolutions~~ shall be submitted by the Cable Television Program Advisory Council President to the ^{Common Council} Mayor with a ^{suggestion of} "do pass" or "do not pass" ~~re~~ ~~commendation~~. ^{From the Cable Television Advisory Council.}


(b)(7) Without limiting the legal responsibilities of the City Controller, to keep and maintain financial records relating to the revenue and expenditure of the Dedicated Cable Television Fund, which records shall be made available to the members of the Common Council and administration upon request.

(d) All matters relative to the expenditures of revenues from the Dedicated Cable Television Fund, ~~subject to~~ ~~all appropriation laws~~, shall be referred by the Common

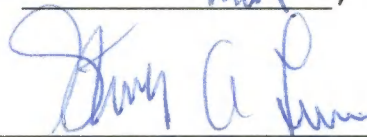
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Council or the Mayor to the Cable Television Program Advisory Council for its review and recommendation. Any and all requests by organizations or individuals for expenditures from the Dedicated Cable Television Fund shall be submitted to the Cable Television Program Advisory Council during the first and third quarters of the calendar year for appropriation consideration.

SECTION 3: This Ordinance shall be in full force and effect upon passage and after any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM AND
LEGALITY THIS 7th DAY
OF May, 1985.



An ordinance amending the Municipal Code of the City of Fort Wayne, Indiana, as to Cable Funds and the the role of the Cable Television Program Advisory Council.

WHEREAS, the Cable Communication Systems Ordinance, Chapter 7.5 of the Municipal Code, needs to be amended as to the depositing of franchise fees received under said ordinance, and

WHEREAS, the role of the Cable Television Program Advisory Council needs to be more clearly defined .

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, THAT THE FOLLOWING AMENDMENTS TO CHAPTER 7.5 OF THE MUNICIPAL CODE BE MADE:

Sec. 7.5-8 Rates and franchise payments

The following section is added:

- (a) (3) All fees collected as stated in Paragraphs (1) and (2) above shall be divided between the dedicated cable television fund, ~~as defined~~ in this ordinance, and the General Fund of the City of Fort Wayne, Indiana; with sixty per cent (60%) being placed in the General Fund of the city and forty per cent (40%) allocated to the dedicated television cable fund. Said fees shall not exceed the maximum percentage allowed by the Federal Communications Commission Rules and Regulations. Any and all monies on deposit in the "special revolving fund" prior to this ordinance shall revert to the General Fund of the City of Fort Wayne; subject to payment of all unpaid appropriations submitted by the Mayor and already approved by the Common Council of the City of Fort Wayne.

Section 7.5-8(b) is deleted and replaced with the following section:

- (b) The percentage payment shall be made in the manner, amounts at at times directed in said franchise, or in a city council resolution fixing franchise fees and adopting rules for service and

regulations. All designated funds received shall be deposited into a dedicated cable television fund to be used for cable system related expenses. In addition to the immediate preceding allowable expenditure there is hereby authorized the expenditure as provided for in Appropriation Ordinance No. A-83-02-22, (as amended) as passed by the common council of the city of Fort Wayne, Indiana.

The following sections are added:

- (k) All fees paid by the franchisee, shall be paid to the Controller of the City of Fort Wayne on a quarterly basis for deposit in the general fund and the dedicated cable television fund in the manner set out above.
- (l) The Controller of the City of Fort Wayne shall provide a written report of the revenues, disbursements, and accrued interest of the dedicated cable television fund to the President of the cable television program advisory council within two (2) weeks of receipt of the payment of the quarterly franchise fee.

Sec 7.5-12 Cable television program advisory council established.

The following language shall be added to Section (a):

All members of the cable television program advisory council shall be sworn into office by the City Clerk of the City of Fort Wayne prior to the beginning of their duties on said council.

The following sections are added:

- (b) (6) To recommend to the Mayor of the City of Fort Wayne by resolution all proposals for expenditures from the dedicated cable television fund. Said resolutions shall be submitted by the cable television program advisory council president to the Mayor with a DO PASS or DO NOT PASS recommendation.
- (b) (7) To keep and maintain financial records relating to the revenue

and expenditures of the dedicated cable television fund; which records shall be made available to members of the Common Council upon request.

- (d) All matters relevant to the expenditure of revenues from the dedicated cable television fund shall be referred by the Common Council or the Mayor of the City of Fort Wayne to the cable television program advisory council for its review and recommendation. All requests by organizations or individuals for expenditures from the dedicated cable television fund shall be submitted to the cable television program advisory council during the first and third quarters of the calendar year for appropriation consideration.

This Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Councilmember

APPROVED AS TO FORM
AND LEGALITY

Read the first time in full and on motion by Henry, seconded by Stur, and duly adopted, read the second time by title and referred to the Committee City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ .M., E.S

DATE: 4-23-85 Madge Esteroff
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Stur, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>6</u>	<u>3</u>	_____	_____	_____
<u>BRADBURY</u>	_____	<u>✓</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	_____	<u>✓</u>	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	<u>✓</u>	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 5-14-85 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (GENERAL) (~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. 9-10-85 on the 14th day of May, 1985,

ATTEST: (SEAL) Mark E. GiaQuinta
Sandra E. Kennedy PRESIDING OFFICER
SANDRA E. KENNEDY, CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 15th day of May, 1985, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of May, 1985, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR



The City of Fort Wayne

May 20, 1985

*Sandy K.
For your records -
Copy*

Fort Wayne Common Council
Room 120 City-County Building
One Main Street
Fort Wayne, Indiana 46802

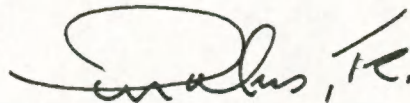
Dear Gentlemen and Lady:

I have signed into law ordinance G-85-04-49 regarding the collection and distribution of cable television franchise fees as well as the role of the Cable Television Program Advisory Council.

Several passages referencing current appropriation laws were deleted from the amended ordinance. Please be advised that the removal of that language in no way exempts the ordinance, the Council nor the Mayor from the appropriation laws of the state.

Also noted was a change in the manner recommendations from the Cable advisory group were reviewed by the legislative and executive branches. Final language in G-85-04-49 will necessitate a resolution from Council to the Mayor in regard to the Advisory group's recommendations. Following review and concurrence, an appropriation ordinance will be sent to Council in accordance with Indiana appropriation laws.

Sincerely,



Mayor Win Moses, Jr.

WMJ:1

BILL NO. G-85-04-49

REPORT OF THE COMMITTEE ON

Committee of the whole
CITY UTILITIES

WE, YOUR COMMITTEE ON

Committee of the whole
CITY UTILITIES

TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Municipal

Code of the City of Fort Wayne, Indiana, as to Cable Funds and the
role of the Cable Television Program Advisory Council

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

NO

Thomas C. Henry
THOMAS C. HENRY
CHAIRMAN

Janet G. Bradbury
JANET G. BRADBURY
VICE CHAIRWOMAN

DONALD J. SCHMIDT

JAMES S. STIER

Charles B. Redd
CHARLES B. REDD

CONCURRED IN

Mark Gia Quinta
MARK GIA QUINTA

Sandra E. Kennedy
SANDRA E. KENNEDY
CITY CLERK

Samuel T. Alexico
SAMUEL T. ALEXICO

Paul M. Burns
PAUL M. BURNS

Bentley F. ...
BENTLEY F. ...